

Return Date: August 8<sup>th</sup>, 2017  
Time: 1:25 P.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

**SUSANNAH R. APPELBAUM,**

Debtor(s)

-----X

Chapter 13  
Case No. 17-35930 CGM

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the annexed application of Jeffrey L. Sapir the Chapter 13 Trustee herein, a motion pursuant to Rule 4004 will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at 355 Main Street, Poughkeepsie, New York, on the 8<sup>th</sup> day of August, 2017, at 1:25 P.M. for an order pursuant to Bankruptcy Code §§1328(f)(1) denying the debtor a discharge in the instant case since the debtor received a prior discharge in a chapter 7 case during the four (4) year period preceding the order for relief in this case; and for such other and further relief as this Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York  
June 30<sup>th</sup>, 2017

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir, Esq. (JLS 0938)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. No. 914-328-6333**

TO: United States Trustee  
74 Chapel Street  
Albany, New York 12207

Susannah R. Appelbaum  
360 Springtown Road  
New Paltz, New York 12561

H. Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

U. S. Bank Trust NA  
c/o Rosicki, Rosicki & Associates, PC  
51 East Bethpage Road  
Plainview, New York 11803

Bayview Loan Servicing, LLC  
c/o Fein Such & Crane, LLP  
1400 Old Country Road X C104  
Westbury, New York 11590

M & T Bank  
P.O. Box 62182  
Baltimore, Maryland 21264

Wells Fargo Bank, NA  
3415 Vision Drive  
Columbus, Ohio 43219

Wells Fargo Bank, NA  
Home Equity Group  
One Home Campus X2303-01A  
Des Moines, Iowa 50328

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- -X

IN RE:

Chapter 13  
Case No. 17-35930 CGM

**SUSANNAH R. APPELBAUM,**

**APPLICATION**

Debtor(s)

----- -X

**TO THE HON. CECILIA G. MORRIS, BANKRUPTCY JUDGE:**

Jeffrey L. Sapir alleges:

1. That the is the Standing Chapter 13 Trustee for the Southern District of New York and is fully familiar with the facts and circumstances surrounding this case.

2. On May 29<sup>th</sup>, 2017, the debtor filed a voluntary petition under Chapter 13.

3. The debtor heretofore filed a Chapter 7 case on November 11, 2016 bearing case number 16-36928 CGM and received a discharge on February 16, 2017.

4. 11 U.S.C. §1328(f)(1) provides that the Court shall not grant a discharge of all debts provided for in the plan or disallowed under §502, if the debtor has received a discharge in a case filed under chapters 7, 11 or 12 of this title during the four year period preceding the date of the order for relief under this chapter.

5. The debtor fails to qualify for a discharge in the instant case.

**WHEREFORE**, it is respectfully prayed that this Court not grant a discharge to the above-named debtor upon the completion of the plan; and for such other and further relief as this Court deems appropriate.

Dated: White Plains, New York  
June 30<sup>th</sup>, 2017

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

Chapter 13

Case No. 17-35930 CGM

**SUSANNAH R. APPELBAUM,**

Debtor(s)

-----x

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in  
the County of Westchester, State of New York.

On June 30<sup>th</sup>, 2017 I served a true copy of the within document, to the herein  
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed  
envelope with postage prepaid thereon, in an official depository of the United States Postal  
Service within the State of New York to the following:

**TO:** United States Trustee  
74 Chapel Street  
Albany, New York 12207

Susannah R. Appelbaum  
360 Springtown Road  
New Paltz, New York 12561

H. Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

U. S. Bank Trust NA  
c/o Rosicki, Rosicki & Associates, PC  
51 East Bethpage Road  
Plainview, New York 11803

Bayview Loan Servicing, LLC  
c/o Fein Such & Crane, LLP  
1400 Old Country Road X C104  
Westbury, New York 11590

M & T Bank  
P.O. Box 62182  
Baltimore, Maryland 21264

Wells Fargo Bank, NA  
3415 Vision Drive  
Columbus, Ohio 43219

Wells Fargo Bank, NA  
Home Equity Group  
One Home Campus X2303-01A  
Des Moines, Iowa 50328

/s/ Lois Rosemarie Esposito  
Lois Rosemarie Esposito

Sworn to before me this  
30<sup>th</sup> day of June, 2017

/s/ Jeffrey L. Sapir  
Jeffrey L. Sapir  
Notary Public, State of New York  
No.02SA8764500  
Qualified in Rockland County  
Term Expires: 12/31/18